

REMARKS

Claims 6-10 are currently pending, with claim 6 having been amended herein. The amendments to claim 10 are supported throughout the specification. Reconsideration of the patentability of the pending claims is respectfully requested in view of the following discussion.

Claims 6-10 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. In particular, the Examiner asserts that the terms “coder” and “decoder” recited in claim 6 are not described by the specification or shown in the drawings. Without passing judgment on the merits of this rejection, claim 6, as amended, no longer includes these terms. It is therefore submitted that the rejection under 35 U.S.C. § 112, first paragraph, has been obviated.

Claim 6 was rejected under U.S.C. § 102(b) as anticipated by Bayrakeri, U.S. Patent No. 6,185,602 (“Bayrakeri”).

To reject a claim under 35 U.S.C. §102(b), the Office must demonstrate that each and every claim feature is identically disclosed in a single prior art reference. See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). The identical invention must be shown in as complete detail as is contained in the claim. M.P.E.P. §2131.

Independent claim 6, as amended, recites an interface element for sending a data file coming from the multimedia application via the Internet using an Internet protocol and for receiving a data file coming from the Internet for the multimedia application, the interface element forwarding the data file coming from the Internet to the multimedia application, wherein the interface element includes a DMIF (Delivery Multimedia Integration Framework) layer, the DMIF layer including instructions for receiving Internet protocols and enabling sending of multimedia applications to terminals that do not include a DMIF layer. The Bayrakeri reference does not disclose these features of claim 6. Bayrakeri merely discloses communication between terminals that **both** include a DMIF interface layer. See Bayrakeri, col. 4, lines 35-36. Thus, the DMIF layer according to Bayrakeri clearly does not

enable the sending of multimedia applications to terminals that do not include a DMIF layer as claimed.

For at least this reason, it is submitted that Bayrakeri does not anticipate claim 6 of the present invention.

Claims 7-10 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Bayrakeri.¹

In rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine the reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claims 7 to 10 depend from and incorporate the features of independent claim 6. As noted above, the Bayrakeri reference does not disclose or suggest each of the elements of claim 6. Therefore, it is submitted that the Bayrakeri reference does not render obvious the features of dependent claims 7-10, which incorporate the features of claim 6.

¹ In paragraph six (6) of the Office Action, the rejection relies on the Zhu reference (U.S. Patent No. 5,870,146). However, the body of the rejection does not refer to this reference at all and only refers to the Bayrakeri reference, so it appears that the reliance on the Zhu references is a typographical error.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the pending claims 6-10 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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